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Attorneys for Defendant Bally Total Fitness of California, Inc. (erroneously sued herein as Bally Total Fitness Corporation, Bally Total Fitness of the Mid-Atlantic, Inc.)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VANDA P. AQUINO,

Plaintiff,

vs.

TRANS UNION, LLC; and BALLY TOTAL  
FITNESS CORPORATION, BALLY  
TOTAL FITNESS OF CALIFORNIA, INC.,  
BALLY TOTAL FITNESS OF THE MID-  
ATLANTIC, INC.,

Defendants.

Case No.: CV 10-5613 JCS

**DEFENDANT BALLY  
TOTAL FITNESS OF  
CALIFORNIA, INC.'S  
UNOPPOSED MOTION FOR  
LEAVE OF COURT FOR  
LEAD COUNSEL TO  
PARTICIPATE IN INITIAL  
CASE MANAGEMENT  
CONFERENCE BY  
TELEPHONE**

Bally Total Fitness of California, Inc. ("Bally"), by counsel, hereby files its Unopposed Motion For Leave Of Court For Lead Counsel to Participate in Initial Case Management Conference By Telephone (the "Motion"). In support of the Motion, Bally states as follows:

1. Bally seeks leave of court for lead counsel, Anthony J. Ellrod, to participate in the March 21, 2011 Initial Case Management Conference by telephone.
2. Counsel for Bally has contacted all other parties to the matter and no party objects to this Motion.

3. An Initial Case Management Conference in this matter is scheduled for March 21, 2011, at 1:30 p.m. (PST). See Clerk's Notice Scheduling Case Management Conference On Reassignment [Doc. No. 10].

4. Good cause exists to grant Bally's lead counsel permission to participate in the Case Management Conference by telephone as lead counsel will be required to travel from Los Angeles, California to San Francisco, California and thus, Bally will incur significant travel costs and attorney's fees for lead counsel to participate in the Case Management Conference in person.

5. Civil L.R. 16-10(a) allows a party to request to participate in the Initial Case Management Conference by telephone.

6. Bally assures the Court that lead counsel can and will meaningfully participate by telephone in all respects as may be necessary. If necessary, Bally can arrange for telephone conferencing for the Court's convenience and counsel from the San Francisco office of Manning & Kass, Ellrod, Ramirez, Trester, LLP, counsel for Bally, is also available to appear in person.

WHEREFORE Bally, by counsel, respectfully requests that Bally's lead counsel be granted leave to participate in the Initial Case Management Conference by telephone.

Dated: March 17, 2011

MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP

By:                     /s/                      
Anthony J. Ellrod, Esq.  
Cirrus A. Alpert, Esq.  
Attorneys for Defendant:  
Defendant Bally Total Fitness of  
California, Inc.

